

Docket No.: DECLE35.002APC

DT03 Rec'd PTO '23 DEC 2004
Customer No.: 20,995

#5

TRANSMITTAL

Applicant : Stordeur, et al.
App. No. : 10/501,666
Filed : July 16, 2004
For : METHOD TO DETERMINE
IN VIVO NUCLEIC ACID
LEVELS
Examiner : Unknown
Art Unit : Unknown

CERTIFICATE OF MAILING

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December 20, 2004

(Date)

Che S. Chereskin

Che Swyden Chereskin, Ph.D., Reg. No. 41,466

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Response to Notice to Comply in 3 pages.
- (X) Paper Sequence Listing in 23 pages and two (2) CRF diskettes containing same.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Che S. Chereskin

Che Swyden Chereskin, Ph.D.
Registration No. 41,466
Agent of Record
Customer No. 20,995
(949) 760-0404

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122004

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DECL 35.002APC MRB/CSC

Rec'd PCT/PTO

23 DEC 2004
Page 1 of 2
#5



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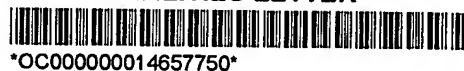
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/501,666	Patrick Stordeur	DECL 35.002APC

20995
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614



INTERNATIONAL APPLICATION NO.	
PCT/EP03/00493	
LA. FILING DATE	PRIORITY DATE
01/20/2003	01/18/2002

CONFIRMATION NO. 9946
371 FORMALITIES LETTER



Date Mailed: 12/03/2004

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - Diskette does not comply. A corrected diskette is required. See the attached raw sequence listing error report.
 - **APPLICANT MUST PROVIDE:**
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Additionally the following defects have been observed:

- Annexes have not been entered because the applicant does not want the annexes entered..

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

JOHN L ANDERSON

Telephone: (703) 308-9116

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/501,666	PCT/EP03/00493	DECL35.002APC

FORM PCT/DO/EO/922 (371 Formalities Notice)

* Send with Form



RAW SEQUENCE LISTING **ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/501,666
Source: PG/10
Date Processed by STIC: 7/23/04

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (<<http://www.uspto.gov/efb/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)**
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**
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U.S. Patent and Trademark Office, 220 20th Street S., Customer Window, Mail Stop Sequence, Crystal Plaza Two, Lot Room 1B03, Arlington, VA 22202**

Revised 05/17/04



PCT

RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004

TIME: 15:25:18

Input Set : A:\seq_1st_US.txt

Output Set: N:\CRF4\07232004\J501666.raw

5 <110> APPLICANT: Stordeur, Patrick
 6 Goldman, Michel
 10 <120> TITLE OF INVENTION: Method to determine in vivo nucleic acid levels
 14 <130> FILE REFERENCE: DECLE35.002APC
 C--> 17 <140> CURRENT APPLICATION NUMBER: US/10/501,666
 C--> 18 <141> CURRENT FILING DATE: 2004-07-16
 21 <150> PRIOR APPLICATION NUMBER: PCT/EP03/00493
 22 <151> PRIOR FILING DATE: 2003-01-20
 24 <150> PRIOR APPLICATION NUMBER: EP 02447009.8
 26 <151> PRIOR FILING DATE: 2002-01-18
 30 <160> NUMBER OF SEQ ID NOS: 55
 34 <170> SOFTWARE: PatentIn version 3.1
 38 <210> SEQ ID NO: 1
 40 <211> LENGTH: 21
 42 <212> TYPE: DNA
 44 <213> ORGANISM: Artificial Sequence
 48 <220> FEATURE:
 50 <223> OTHER INFORMATION: Oligonucleotide
 52 <400> SEQUENCE: 1
 53 gaagatgtgc ctgtcctgtg t
 56 <210> SEQ ID NO: 2
 58 <211> LENGTH: 21
 60 <212> TYPE: DNA
 62 <213> ORGANISM: Artificial Sequence
 66 <220> FEATURE:
 68 <223> OTHER INFORMATION: Oligonucleotide
 70 <400> SEQUENCE: 2
 71 cgctcaggtc agtgatgtta a
 74 <210> SEQ ID NO: 3
 76 <211> LENGTH: 27
 78 <212> TYPE: DNA
 80 <213> ORGANISM: Artificial Sequence
 84 <220> FEATURE:
 86 <223> OTHER INFORMATION: Oligonucleotide
 88 <220> FEATURE:
 90 <221> NAME/KEY: misc_feature
 92 <222> LOCATION: (1)..(1)
 94 <223> OTHER INFORMATION: N = 6Fam
 98 <220> FEATURE:
 100 <221> NAME/KEY: misc_feature
 102 <222> LOCATION: (27)..(27)
 104 <223> OTHER INFORMATION: N = Tamra-p
 108 <400> SEQUENCE: 3

pp1-7
 Does Not Comply
 Corrected Dikette Needed

21

21

"N" can only represent a single nucleotide,
 nothing else. Suggestion: in
 the <220>-<223> sections,
 indicate that the first and
 last nucleotides are labelled
 ... #1 these lines.

RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004

TIME: 15:25:18

Input Set : A:\seq_lst_US.txt

Output Set: N:\CRF4\07232004\J501666.raw

W--> 109 ntggatgatga gaccagactc cagctgn 27

112 <210> SEQ ID NO: 4

114 <211> LENGTH: 21

116 <212> TYPE: DNA

118 <213> ORGANISM: Artificial Sequence

122 <220> FEATURE:

124 <223> OTHER INFORMATION: Oligonucleotide

126 <400> SEQUENCE: 4

127 acagatgaag tgctccttcc a 21

130 <210> SEQ ID NO: 5

132 <211> LENGTH: 21

134 <212> TYPE: DNA

136 <213> ORGANISM: Artificial Sequence

140 <220> FEATURE:

142 <223> OTHER INFORMATION: Oligonucleotide

144 <400> SEQUENCE: 5

145 gtcggagatt cgtagctgga t 21

148 <210> SEQ ID NO: 6

150 <211> LENGTH: 22

152 <212> TYPE: DNA

154 <213> ORGANISM: Artificial Sequence

158 <220> FEATURE:

160 <223> OTHER INFORMATION: Oligonucleotide

162 <220> FEATURE:

164 <221> NAME/KEY: misc_feature

166 <222> LOCATION: (1)..(1)

168 <223> OTHER INFORMATION: N = 6Fam

172 <220> FEATURE:

174 <221> NAME/KEY: misc_feature

176 <222> LOCATION: (22)..(22)

178 <223> OTHER INFORMATION: N = Tamra-p

182 <400> SEQUENCE: 6

W--> 183 nctctgccct ctggatggcg gn 22

186 <210> SEQ ID NO: 7

188 <211> LENGTH: 20

190 <212> TYPE: DNA

192 <213> ORGANISM: Artificial Sequence

196 <220> FEATURE:

198 <223> OTHER INFORMATION: Oligonucleotide

200 <400> SEQUENCE: 7

201 agctgcctac gtgtatgcca 20

204 <210> SEQ ID NO: 8

206 <211> LENGTH: 21

208 <212> TYPE: DNA

210 <213> ORGANISM: Artificial Sequence

214 <220> FEATURE:

216 <223> OTHER INFORMATION: Oligonucleotide

218 <400> SEQUENCE: 8

219 gcagtgccaa ggtctctttc a 21

same error as page 1

RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004

TIME: 15:25:18

Input Set : A:\seq_1st_US.txt

Output Set : N:\CRF4\07232004\J501666.raw

222 <210> SEQ ID NO: 9
 224 <211> LENGTH: 29
 226 <212> TYPE: DNA
 228 <213> ORGANISM: Artificial Sequence
 232 <220> FEATURE:
 234 <223> OTHER INFORMATION: Oligonucleotide
 236 <220> FEATURE:
 238 <221> NAME/KEY: misc_feature
 240 <222> LOCATION: (1)..(1)
 242 <223> OTHER INFORMATION: N = 6Fam
 246 <220> FEATURE:
 248 <221> NAME/KEY: misc_feature *same*
 250 <222> LOCATION: (29)..(29)
 252 <223> OTHER INFORMATION: N = Tamra-p
 256 <400> SEQUENCE: 9
 W--> 257 nccccacaga aattcccaca agtgcattn 29
 260 <210> SEQ ID NO: 10
 262 <211> LENGTH: 21
 264 <212> TYPE: DNA
 266 <213> ORGANISM: Artificial Sequence
 270 <220> FEATURE:
 272 <223> OTHER INFORMATION: Oligonucleotide
 274 <400> SEQUENCE: 10
 275 catcgatttc ttccctgtga a 21
 278 <210> SEQ ID NO: 11
 280 <211> LENGTH: 24
 282 <212> TYPE: DNA
 284 <213> ORGANISM: Artificial Sequence
 288 <220> FEATURE:
 290 <223> OTHER INFORMATION: Oligonucleotide
 292 <400> SEQUENCE: 11
 293 tcttggagct tattaaagc attc 24
 296 <210> SEQ ID NO: 12
 298 <211> LENGTH: 24
 300 <212> TYPE: DNA
 302 <213> ORGANISM: Artificial Sequence
 306 <220> FEATURE:
 308 <223> OTHER INFORMATION: Oligonucleotide
 310 <220> FEATURE:
 312 <221> NAME/KEY: misc_feature
 314 <222> LOCATION: (1)..(1)
 316 <223> OTHER INFORMATION: N = 6Fam
 320 <220> FEATURE: *same*
 322 <221> NAME/KEY: misc_feature
 324 <222> LOCATION: (24)..(24)
 326 <223> OTHER INFORMATION: N = Tamra-p
 330 <400> SEQUENCE: 12
 W--> 331 nacaagagca aggccgtgga gcan 24
 334 <210> SEQ ID NO: 13

RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004

TIME: 15:25:18

Input Set : A:\seq_lst_US.txt

Output Set: N:\CRF4\07232004\J501666.raw

```

336 <211> LENGTH: 20
338 <212> TYPE: DNA
340 <213> ORGANISM: Artificial Sequence
344 <220> FEATURE:
346 <223> OTHER INFORMATION: Oligonucleotide
348 <400> SEQUENCE: 13
349 tgaggagctg gtcaacatca
352 <210> SEQ ID NO: 14
354 <211> LENGTH: 21
356 <212> TYPE: DNA
358 <213> ORGANISM: Artificial Sequence
362 <220> FEATURE:
364 <223> OTHER INFORMATION: Oligonucleotide
366 <400> SEQUENCE: 14
367 caggttgatg ctccatacca t
370 <210> SEQ ID NO: 15
372 <211> LENGTH: 22
374 <212> TYPE: DNA
376 <213> ORGANISM: Artificial Sequence
380 <220> FEATURE:
382 <223> OTHER INFORMATION: Oligonucleotide
384 <220> FEATURE:
386 <221> NAME/KEY: misc_feature
388 <222> LOCATION: (1)..(1)
390 <223> OTHER INFORMATION: N = 6FAM
394 <220> FEATURE:
396 <221> NAME/KEY: misc_feature
398 <222> LOCATION: (22)..(22)
400 <223> OTHER INFORMATION: N = Tamra-p
404 <400> SEQUENCE: 15
W--> 405 naggctccgc tctgcaatgg cn
408 <210> SEQ ID NO: 16
410 <211> LENGTH: 21
412 <212> TYPE: DNA
414 <213> ORGANISM: Artificial Sequence
418 <220> FEATURE:
420 <223> OTHER INFORMATION: Oligonucleotide
422 <400> SEQUENCE: 16
423 cccagggacc tctctctaat c
426 <210> SEQ ID NO: 17
428 <211> LENGTH: 21
430 <212> TYPE: DNA
432 <213> ORGANISM: Artificial Sequence
436 <220> FEATURE:
438 <223> OTHER INFORMATION: Oligonucleotide
440 <400> SEQUENCE: 17
441 atgggctaca ggcttgtcac t
444 <210> SEQ ID NO: 18
446 <211> LENGTH: 24

```

20

21

22

21

21

RAW SEQUENCE LISTING

PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004

TIME: 15:25:18

Input Set : A:\seq_1st_US.txt

Output Set: N:\CRF4\07232004\J501666.raw

448 <212> TYPE: DNA
 450 <213> ORGANISM: Artificial Sequence
 454 <220> FEATURE:
 456 <223> OTHER INFORMATION: Oligonucleotide
 458 <220> FEATURE:
 460 <221> NAME/KEY: misc_feature
 462 <222> LOCATION: (1)..(1)
 464 <223> OTHER INFORMATION: N = 6Fam
 468 <220> FEATURE:
 470 <221> NAME/KEY: misc_feature
 472 <222> LOCATION: (24)..(24)
 474 <223> OTHER INFORMATION: N = Tamra-p
 478 <400> SEQUENCE: 18
 W--> 479 ntggcccagg cagtcagatc atcn 24
 482 <210> SEQ ID NO: 19
 484 <211> LENGTH: 24
 486 <212> TYPE: DNA
 488 <213> ORGANISM: Artificial Sequence
 492 <220> FEATURE:
 494 <223> OTHER INFORMATION: Oligonucleotide
 496 <400> SEQUENCE: 19
 497 ctaattattc ggtaactgac ttga 24
 500 <210> SEQ ID NO: 20
 502 <211> LENGTH: 21
 504 <212> TYPE: DNA
 506 <213> ORGANISM: Artificial Sequence
 510 <220> FEATURE:
 512 <223> OTHER INFORMATION: Oligonucleotide
 514 <400> SEQUENCE: 20
 515 acagttcagc catcacttgg a 21
 518 <210> SEQ ID NO: 21
 520 <211> LENGTH: 26
 522 <212> TYPE: DNA
 524 <213> ORGANISM: Artificial Sequence
 528 <220> FEATURE:
 530 <223> OTHER INFORMATION: Oligonucleotide
 532 <220> FEATURE:
 534 <221> NAME/KEY: misc_feature
 536 <222> LOCATION: (1)..(1)
 538 <223> OTHER INFORMATION: N = 6Fam
 542 <220> FEATURE:
 544 <221> NAME/KEY: misc_feature
 546 <222> LOCATION: (26)..(26)
 548 <223> OTHER INFORMATION: N = Tamra-p
 552 <400> SEQUENCE: 21
 W--> 553 ntccaacgca aagcaatata tgaacn 26
 556 <210> SEQ ID NO: 22
 558 <211> LENGTH: 21
 560 <212> TYPE: DNA

*same**same*

*Please correct subsequent
 sequences
 containing
 this error.*

see p. 6 for more errors

10/501,666

6

<400> 55
attcagctcg aacactttga a

21

?? Delete at end of file

RAW SEQUENCE LISTING ERROR SUMMARY
PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004
TIME: 15:25:19

Input Set : A:\seq_lst_US.txt
Output Set: N:\CRF4\07232004\J501666.raw

FYI
Please Note:

Use of n and/or Xaa have been detected in the Sequence Listing. Please review the Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

Seq#:3; N Pos. 1,27
Seq#:6; N Pos. 1,22
Seq#:9; N Pos. 1,29
Seq#:12; N Pos. 1,24
Seq#:15; N Pos. 1,22
Seq#:18; N Pos. 1,24
Seq#:21; N Pos. 1,26
Seq#:24; N Pos. 1,22
Seq#:27; N Pos. 1,31
Seq#:30; N Pos. 22
Seq#:31; N Pos. 1,23
Seq#:48; N Pos. 1,25
Seq#:51; N Pos. 1,23

VERIFICATION SUMMARY

PATENT APPLICATION: US/10/501,666

DATE: 07/23/2004

TIME: 15:25:19

Input Set : A:\seq_1st_US.txt

Output Set: N:\CRF4\07232004\J501666.raw

L:17 M:270 C: Current Application Number differs, Replaced Application Number
 L:18 M:271 C: Current Filing Date differs, Replaced Current Filing Date
 L:109 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3 after pos.:0
 L:183 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6 after pos.:0
 L:257 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:9 after pos.:0
 L:331 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:12 after pos.:0
 L:405 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:15 after pos.:0
 L:479 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:18 after pos.:0
 L:553 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:21 after pos.:0
 L:627 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:24 after pos.:0
 L:701 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:27 after pos.:0
 L:765 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:30 after pos.:0
 L:803 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:31 after pos.:0
 L:1129 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:48 after pos.:0
 L:1203 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:51 after pos.:0
 L:1278 M:334 W: (2) Invalid Amino Acid in Coding Region, NUMBER OF INVALID KEYS:1
 L:1280 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:55
 L:1280 M:334 W: (2) Invalid Amino Acid in Coding Region, NUMBER OF INVALID KEYS:1
 L:1282 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:55
 L:1282 M:334 W: (2) Invalid Amino Acid in Coding Region, NUMBER OF INVALID KEYS:1
 L:1284 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:55
 L:1284 M:334 W: (2) Invalid Amino Acid in Coding Region, NUMBER OF INVALID KEYS:1
 L:1289 M:336 W: Invalid Amino Acid Number in Coding Region, SEQ ID:55

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